

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re BP p.l.c. Securities Litigation

No. 4:10-MD-02185

Honorable Keith P. Ellison

JURY TRIAL DEMANDED

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS' MOTION TO DISMISS THE  
CLAIMS OF PURCHASERS OF BP ORDINARY SHARES**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1367, defendants BP p.l.c. ("BP"), BP America, Inc., BP Exploration & Production, Inc. and Individual Defendants Anthony B. Hayward, Andy G. Inglis, Carl-Henric Svanberg, H. Lamar McKay, William Castell, Paul Anderson, Antony Burgmans, Cynthia Carroll, Erroll B. Davis, Jr., Lord Edmund John Philip Browne, Byron E. Grote, Douglas Suttles, Iain Conn, David Rainey, Robert Dudley and Robert Malone (collectively, "Defendants") respectfully move to dismiss with prejudice the claims of purchasers of BP ordinary shares asserted in the two Consolidated Class Action Complaints on the grounds that (i) the Supreme Court's decision in *Morrison v. National Australia Bank Ltd.*, 130 S. Ct. 2869, 2882 (2010), bars all Exchange Act claims based upon purchases of BP ordinary shares, which trade only on exchanges in London and Frankfurt and not on any U.S. exchange, (ii) the New York/Ohio Plaintiffs' claims are barred by the Securities Litigation Uniform Standards Act of 1998, and (iii) the Court should not exercise supplemental jurisdiction over the New York/Ohio Plaintiffs' English law claims, which

also should be dismissed in deference to English courts based on *forum non conveniens* and on comity grounds.

The grounds for this motion are fully set forth in Defendants' Memorandum in Support of their Motion to Dismiss the Claims of Purchasers of BP Ordinary Shares, and supported by (i) the Declaration of Martin Moore QC, filed concurrently herewith, and (ii) the Declaration of Thomas W. Taylor, filed today with Defendants' Memorandum of Law in Support of their Motion to Dismiss the Claims of BP ADS Purchasers in the New York and Ohio Plaintiffs' Consolidated Class Action Complaint.

Dated: May 6, 2011  
Houston, Texas

Respectfully submitted,

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*Attorney-in-Charge for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion has been served by electronic CM/ECF filing, on this 6th day of May, 2011.

/s/ Thomas W. Taylor

Thomas W. Taylor